

Citing ‘flaws in this system,’ Inslee suspends executions

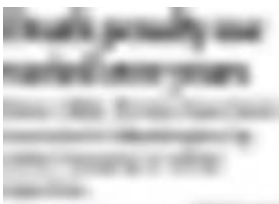
Governor says death penalty won’t be used as long as he remains in office; 9 inmates in state are on death row

By RACHEL LA CORTE

The Associated Press
The News Tribune
February 12, 2014



During a news conference Tuesday in Olympia, Gov. Jay Inslee announces that he is suspending the use of the death penalty in Washington state. TONY OVERMAN/STAFF PHOTOGRAPHER



•



Gov. Jay Inslee said Tuesday that he was suspending the use of the death penalty in Washington state for as long as he's in office, announcing a move he hopes will enable officials to "join a growing national conversation about capital punishment."

The first-term Democrat said he came to the decision after months of review, meetings with victims' families, prosecutors and law enforcement.

"There have been too many doubts raised about capital punishment; there are too many flaws in this system today," Inslee said at a news conference. "There is too much at stake to accept an imperfect system."

Last year, Maryland abolished the death penalty, the 18th state to do so and the sixth in the last six years. In Washington state, legislative efforts to abolish the death penalty have received public hearings in recent years, but they've never gained political traction. Inslee said he would support a permanent ban from lawmakers.

Washington state hasn't executed an inmate in more than three years. There have been seven inmates executed this year in the U.S., according to the Washington D.C.-based Death Penalty Information Center.

Richard Dieter, the center's executive director, said recent state moves away from the death penalty, including Inslee's action, show that support for capital punishment is waning.

"The death penalty is being used less," he said.

Inslee, who was elected in 2012, said executions are "unequally applied" in the state, "sometimes dependent on the size of the county's budget." He also said death penalty cases are take years to wind through the legal system and represent a drag on state and local budgets.

He said the system "does not deter crime, costs citizens millions of dollars more than life in prison without parole," is "uncertain in its application" and "exposes families to multiple decades of uncertainty."

Inslee's moratorium means that if a death penalty case comes to his desk, he will issue a reprieve. Reprieves aren't pardons and don't commute the sentences of those condemned to death. Under Inslee's system, death row inmates will remain in prison rather than face execution.

"During my term, we will not be executing people," said Inslee. But "nobody is getting out of prison, period."

Pierce County Prosecutor Mark Lindquist said he understood Inslee's decision.

"I believe Gov. Inslee's moral, ethical and practical concerns about capital punishment are deeply felt," Lindquist said. "He is looking to spark a dialogue about capital punishment. I look forward to participating in the conversation."

Since taking office in 2009, Lindquist's office has grappled with six cases of aggravated first-degree murder — the state's highest crime, and the only charge that triggers a possible death sentence.

In all six cases, Lindquist has declined to pursue the death penalty. Most recently, he chose not to seek the execution of Tyler Savage, 21, recently sentenced to life in prison after a jury convicted him of murdering a developmentally disabled South Hill teenager in 2010.

"I didn't think there was any chance the Washington Supreme Court would uphold the death penalty on an 18-year-old defendant with no criminal history," Lindquist said. "I'm only going to pursue the death penalty in the most egregious of cases, and furthermore, I'm not going to waste the taxpayers' money on a case where it's extremely unlikely that it will be imposed."

One recent case fits Lindquist's label of "most egregious," but the decision was taken out of his hands. Cop-killer Maurice Clemmons, who fatally shot four Lakewood police officers in 2009, was killed by a Seattle police officer during a region-wide manhunt. Had Clemmons survived to face charges, he likely would have sparked a serious death-penalty discussion.

"That's a perfect example," Lindquist said.

Rep. Reuven Carlyle, a Seattle Democrat who has introduced bills to get rid of the death penalty, said Inslee's action provides a "profound shift" in momentum for future attempts.

"He has opened a legitimate conversation that gives the Legislature the ability to not only bring legislation forward in the coming years, but to step up and engage the public in that conversation," he said.

Inslee's action shocked at least one state lawmaker who supports the death penalty.

The decision came out of nowhere, Tacoma Republican Sen. Steve O'Ban said. "We just haven't had some egregious case or a series of court decisions saying, 'you've got a real problem here, Washington.'"

O'Ban said the governor should stick to granting clemency and reprieves case by case, and leave it to the Legislature to decide if capital punishment is the right policy for Washington.

"These are policy issues that the Legislature takes up and considers, and if there's support for that, and you go through the legislative process, you get a bill and the governor signs it. That's how we do these things," said O'Ban, who leads the Senate committee overseeing corrections.

Abolishing the death penalty is a perennial conversation in the Legislature, but the proposals never go anywhere.

But Inslee's decision is a big help to the cause, said Rep. Tami Green.

The Lakewood Democrat predicted that the goal of ending capital punishment in Washington could now be achieved in the next few years.

Inslee said Tuesday that he is not seeking a law ending capital punishment but would sign it if lawmakers sent it to his desk.

"I'm so excited. I'm thrilled," said Green, a Lakewood Democrat, of the governor's announcement. "It's nice for us to move into the world of civilized nations — at least, our state."

There have been 78 inmates, all men, put to death in Washington state since 1904. Since a 1976 U.S. Supreme Court decision cleared the way for the resumption of executions by states, 1,366 people have been put to death, according to the criminal justice nonprofit Death Penalty Information Center.

In Washington state, nine men, including three from Pierce County, are on death row. The state Supreme Court last month rejected a petition for release from Jonathan Lee Gentry, sentenced to death for the murder of a 12-year-old girl in 1988. Gentry could have been the first execution in the state since September 2010.

Senate Republican Leader Mark Schoesler of Ritzville said he thought Inslee's move was "out of touch." He noted that lawmakers have previously rejected opportunities to pass such measures, "because the public and Legislature support keeping that tool."

King County Prosecutor Dan Satterberg said the moratorium "is likely to cause more delay, expense and uncertainty."

"A moratorium alone will not resolve the issues raised by the governor," Satterberg said. He said there should be an informed public debate before the state makes changes.

Kitsap County Prosecutor Russell Hauge called the death penalty "an extremely ineffective tool." But he noted that the moratorium didn't change state law, which obligates county prosecutors to seek the death penalty when circumstances warrant. "The problem is," he said, "the law's still on the books."

Staff writers Sean Robinson and Jordan Schrader and Associated Press writers Gene Johnson and Phuong Le contributed to this report.

Read more here: <http://www.thenewstribune.com/2014/02/12/3042080/citing-flaws-in-this-system-inslee.html#storylink=cpy>